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Before the  
**Federal Communications Commission**  
Washington, DC  
Federal Communications Commission  
Office of Secretary

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In the Matter of ) MM Docket No. 87-268  
)  
Advanced Television Systems and Their )  
Impact upon the Existing )  
Television Broadcast Service )

To: The Commission

**COMMENTS OF SUNBELT TELEVISION, INC.**

Sunbelt Television, Inc., licensee of Station KHIZ(TV), Barstow, California, by its attorney, submits its comments with respect to the above-referenced proceeding. With respect thereto, the following is stated:

1. The entire Digital Television ("DTV") proceeding has been the subject of much debate. While there seems to be no question that DTV should be implemented within a timetable that will make utilization of the technology reasonably accessible to the public, the methodology and precise spectrum that should be assigned, and specifically what channels and what assumptions should be used in assigning the channels, all must still be thoroughly studied in order to assure that there is no inadvertent harm inflicted on existing broadcasters or the public.

2. At the present time, the limits of *predicted* Grade B service is used to convey certain rights to television broadcasters; predicted Grade B service determines, for example, the areas within which fill-in booster television stations can be established, and also determines (in a broad sense) those areas in which "must-carry" cable television rights will be protected.<sup>1</sup> Nevertheless,

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<sup>1</sup> Under the Commission's Rules, requests for modifications of Areas of Dominant Influence ("ADI") generally are rejected as long as a station places at least a predicted Grade B signal over a cable system's community. Report and Order in MM Docket No. 92-259, 8 FCC Rcd 2965, 2981 (1993). "Grade B service demonstrates service to cable communities and serves as a

the Commission's allotment plan contemplates only replicating existing station's service areas as computed using the "Longley-Rice" method of service prediction, which takes existing terrain into account. The end result of utilizing this methodology is that certain existing stations may lose the rights they currently have to provide service to their *entire* Grade B contour as currently predicted under standard prediction methods, and thereby will lose the right to provide service to that entire area in situations where the DTV Grade B service area (as predicted by standard prediction methods) is actually smaller than the station's current Grade B service area (as also predicted by standard prediction methods). These changes could cause existing broadcasters to lose their current rights to make their *actual* service coterminous with their *current predicted-Grade-B* service through the establishment of TV booster stations to "fill-in" gaps within their *current-Grade-B* areas which are blocked by mountainous terrain in those cases where the *new DTV* Grade B contour does not match with the *former ATV* predicted Grade B contour -- the net result will be that the area within which the broadcaster will be permitted to provide service will be *reduced*. Similarly, if the predicted Grade B contour of the DTV allotment goes less far than the current ATV predicted Grade B contour, this will cause ADIs (as determined under the Commission's cable television ADI modification rules (47 C.F.R. § 76.59)) to which some stations are entitled under current policies<sup>2</sup> to shrink, thereby causing such stations eventually

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measure of a station's natural economic market." Rivkin/Naragansett South Florida, CATV Limited Partnership, DA 96-2016 n.59 (Chief, Cable Services Bur. 1996). "We believe that television stations actually do or logically can rely on the area within Grade B contours for economic support." Amendment of Section 76.51 (Orlando-Daytona-Melbourne, and Cocoa, Florida), 57 R.R.2d 685, 690 ¶ 14 (1985).

<sup>2</sup> See footnote 1.

to lose protection under the Commission's "must-carry" rules<sup>3</sup> -- here, again, the net result will be that the area within which the broadcaster will be permitted to provide service will be *reduced*.

3. For this reason, it is not enough that the FCC replicate existing service areas using the Longley-Rice terrain sensitive model. Broadcasters currently are permitted to provide service to the entirety of their *existing* predicted Grade B contour. The area within which those rights can be exercised should not be reduced due to the implementation of DTV. As the FCC has noted, even in cases where there are areas where reception currently is difficult due to terrain obstacles (as would be taken into account using the Longley-Rice prediction method), "[t]his, however, does negate the fact that [such] communities are within the area [such] stations have been licensed to serve." Ventura County Cablevision, 1 Comm. Reg. 161, 169 n.27 (Cable Bur. 1995). That licensed area should not be arbitrarily, unilaterally, or inadvertently, reduced.

4. Therefore, although the Commission currently is able to assert its belief that 95-100% of existing service areas will be replicated, this data may be misleading. In actuality, additional service areas that broadcasters may already be providing service to or else *have the right* to provide service to in the future, may not be replicated in the FCC's current allotment model. For this reason, additional data should be provided by the FCC concerning the extent to which Grade B service entitlements will change under its allotment plan, and the Commission should clarify the extent to which broadcasters will continue to have rights to provide service to *all* areas within their station's current Grade B service areas even after full implementation of the

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<sup>3</sup> If the Commission alters a station's ADI to eliminate a community from the station's ADI, the cable system no longer is required to carry the station under the Commission's must-carry rules.

DTV Plan. There already will be great costs that will have to be borne by broadcasters for the equipment and promotion necessary to implement DTV. They also should not have to be faced with smaller permitted service areas as a result of the implementation.

WHEREFORE, it is respectfully requested that these Comments be considered in conjunction with the matter being reviewed in this proceeding.

Respectfully requested,

SUNBELT TELEVISION, INC.

By:

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